

COURT OF THE STATE/CITY OF NEW YORK

COUNTY OF: SOUTHERN DISTRICT OF NEW YORK ATTORNEY: THOMAS S. DOERR,
ESQ.

RONALD DARBY, ET AL
- against -
EDWARD GITKIND, ET AL

Petitioner(s)
Plaintiff(s)
Respondent(s)
Defendant(s)

AFFIDAVIT
OF SERVICE

INDEX#
07 CV 10645

STATE OF: _____ - COUNTY OF: _____ ss:

being duly sworn deposes and says deponent is not a party to this action, is over the age of 18 and resides in _____
That on date/time: 4/6/08, at 59 KINGS WHARF, CHRISTIAN STEAD, ST CROIX VI
deponent served the within: SUMMONS, COMPLAINT, EXHIBITS, CIVIL COVER SHEET, RULE 7.1 STATEMENT
[] Summons, Spanish summons & complaint, the language required by NRCRR 2900.2(e), (f) & (h) was set forth on the face of the summons(es)

On: ESTATE OF BETTY SPERBER C/O MARY SPERBER

[] Defendant [] Respondent [] Witness (hereinafter called the recipient) therein named.

INDIVIDUAL By personally delivering to and leaving with said ESTATE OF BETTY SPERBER C/O MARY SPERBER
A [] and that he knew the person so served to be the person mention and described in said SUMMONS, COMPLAINT, EXHIBITS, CIVIL
COVER SHEET, RULE 7.1 STATEMENT

CORPORATION By delivering to and leaving with _____
B [] at _____
and that he knew the person so served to be the _____ of the corporation.

SUITABLE Service was made in the following manner after your deponent was unable with due diligence to serve the defendant in person:
AGE PERSON By delivering a true copy thereof to and leaving with EMILY SPERBER - WIFE OF MYLES SPERBER
C ☒ a person of suitable age and discretion at 59 KINGS WHARF, CHRISTIANSTEAD, VI
the said premises being the recipient's ☒ Dwelling/Usual place of abode [] Actual place of business within the State of New York.

AFFIXING TO By affixing a true copy thereof to the door of said premises, the same being the recipient's
DOOR, ETC. [] Dwelling/Usual place of abode [] Actual place of business within the State of New York. Deponent had previously attempted to serve
D [] the above named recipient on/at: 1. _____ 2. _____ 3. _____
Deponent spoke with _____ who stated to deponent that the said recipient(s)
lived at the aforementioned address, but did not know recipient's place of employment.

MAILING TO Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a postpaid envelope properly addressed to recipient
RESIDENCE to recipient's last known residence at _____
E1 [] and deposited said envelope in an official repository under the exclusive care and custody of the US Postal Service
Use with C or D within New York State on mailed 4/7/08

MAILING TO Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a postpaid envelope properly addressed to recipient
BUSINESS to recipient's actual place of business at _____
E2 [] in an official repository under the exclusive care and custody of the US Postal Service within New York State. The envelope bore the
Use with C or D legend "Personal and Confidential" and did not indicate on the outside thereof, by return address or otherwise, that the communication
was from an attorney or concerned an action against the recipient and mailed on _____

F [X] DEPONENT STATES THAT THE INDEX # AND FILING DATE WERE CLEARLY VISIBLE ON THE SUMMONS.
DESCRIPTION OF THE RECIPIENT OR OTHER PERSON SERVED OR SPOKEN TO ON BEHALF OF THE RECIPIENT IS AS:

VOID WITHOUT	[] Male	<input checked="" type="checkbox"/> White Skin	[] Black Hair	[] White Hair	[] 14 - 20 Yrs.	[] Under 5'	[] Under 100 Lbs.
DESCRIPTION	<input checked="" type="checkbox"/> Female	[] Black Skin	[] Brown Hair	[] Balding	<input checked="" type="checkbox"/> 21 - 35 Yrs.	[] 5'0" - 5'3"	[] 100 - 130 Lbs.
Use with A,B,C,D		[] Yellow Skin	<input checked="" type="checkbox"/> Blonde Hair	[] Moustache	[] 36 - 50 Yrs.	[] 5'4" - 5'8"	<input checked="" type="checkbox"/> 131 - 160 Lbs.
		[] Brown Skin	[] Gray Hair	[] Beard	[] 51 - 65 Yrs.	[] 5'9" - 6'0"	[] 161 - 200 Lbs.
		[] Red Skin	[] Red Hair	[] Glasses	[] Over 65 Yrs.	[] Over 6'	[] Over 200 Lbs.

Other identifying features: _____

WITNESS FEE Witness fee of \$0 the authorizing traveling expenses and one day's witness fee:
G [] [] was paid (tendered) to the recipient [] was mailed to the witness with subpoena copy.

MILITARY I asked the person spoken to whether defendant was in active military service of the United States or of the state of New York in any
SERVICE capacity whatsoever and received a negative reply. Defendant wore civilian clothes and no military uniform. The source of my
[X] information and the grounds of my belief are the conversations and observations above narrated.

Subscribed and Sworn to me this

7th day of April, 2008

Notary Signature: _____

Tamara Bermudez
Name of Notary

EX-OFFICIO
Commission Expiration

Jacqueline S. Anderson
I, Jacqueline S. Anderson,
was at the time of service a competent adult
not having a direct interest in the litigation.
I declare under penalty of perjury that the
foregoing is true and correct.

Jacqueline S. Anderson 4/7/08
Signature of Process Server Date

RR

IN THE TERRITORIAL COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. CROIX

Ronald Darby, et al
Plaintiff

Edward Bittner, et al
Defendant

CRIMINAL NO.

CIVIL NO. 07CV 10645

ACTION FOR:

AFFIDAVIT

TERRITORY OF THE VIRGIN ISLANDS

DISTRICT OF ST. CROIX

SS.

JACQUELINE SMITH-ANDERSON, being first duly sworn, depose and states:

1. I am a citizen of the United States, a resident of the U.S. Virgin Islands, over eighteen years of age, not a party in the above entitle action nor related to any of the parties herein, was duly appointed as Process Server of the Territorial Court of St. Croix in Civil No. 391-89 and District of St. Croix in Civil Number 100-89, which order is still valid.

2. I received copies of Summons and Complaint, Subpoena, T.R.O, Letter, Notice, Exhibits, Civil cover sheet, Rule 7, Statement Order in the above action and served the same as follows:

Date Received: 3/21/08 Date Served 4/6/08 Time Served 1:00 pm

Person Served: Emily Sperber (wife of Myles Sperber)

Place Served: 59 Kings Wharf, Christiansted, U.S.

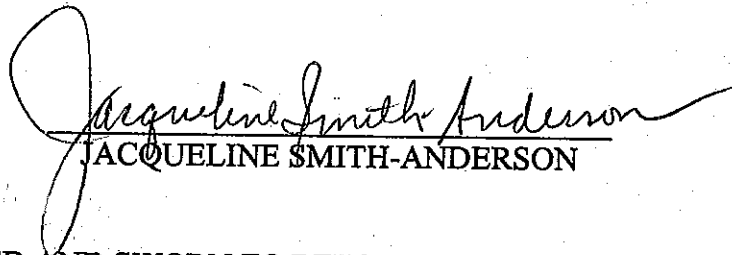
to Emily Sperker

3. Such service was personally made by delivering to and leaving with said person true copies of said Summons, Subpoena, T.R.O., Letter, Order, Motion, Notice, as aforesaid.

4. The person served was properly identified to be the person mentioned and described in said process or the person authorized according to law to receive such process.

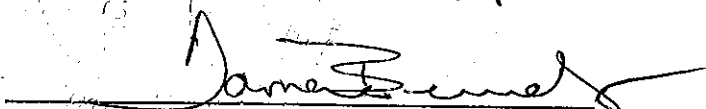
5. I have made diligent search and inquiry in St. Croix for the person to be served but have been unable to locate or determine the whereabouts of the person and thus am unable to serve process on the said person.

6. FEES FOR SERVICE:	LOCATION OF ENDEAVORS
ENDEAVOR: \$ _____	1. _____
SERVICE: \$ _____	2. _____
MILEAGE: \$ _____	3. _____
TOTAL: \$ _____	4. _____


JACQUELINE SMITH-ANDERSON

SUBSCRIBED AND SWORN TO BEFORE

ME This 7th day of April 2008


NOTARY PUBLIC